



THE EVIDENCE reviewed above identifies Lee Harvey Oswald as the assassin of President Kennedy and indicates that he acted alone in that event. There is no evidence that he had accomplices or that he was involved in any conspiracy directed to the assassination of the President.

c

From the Warren Commission Hearings

MCLEAN, Va.—I served on the staff of the Warren Commission. And although it is voguish to say otherwise, I think we wrote a good report. I continue to be amazed at how many "new" discoveries that appear in critical literature were discussed in the report, and at how many people are prepared to dismiss the report without having bothered to read it.

Attention-getting criticism has proved easy; we knew it would be when we published, in 26 volumes, the great variety of testimony, other evidence, speculation and rumor that had come before us.

But devising a coherent and credible theory to explain what happened in Dallas on Nov. 22, 1963—one that isn't forced to hypothesize a number of duplicate Lee Harvey Oswalds or a diabolical command center with absolute control over the thoughts and actions of the thousands of persons involved in the events and their investigation—has proved quite a different matter.

For all its inevitable loose ends, the Commission's account of the evidence in those 26 volumes remains, eleven years later, the only really coherent account that has been put forth.

Recently, however, another set of issues has begun to surface—having to do not with the way the Commission analyzed the information to which it had access but rather with the way the commission obtained, or, more accurately, the way it was provided its information.

The Commission, of course, lacked real investigative resources of its own and was therefore heavily dependent,

About the Evidence

By John Hart Ely

at least for leads, on the Government's existing investigative agencies.

To the extent that we could, we checked the information we were furnished against other information we had from the same or other sources, but such cross-checking was obviously of limited value.

Naturally we were troubled by this investigative dependence to an extent, but there did not seem to be any plausible alternative way of proceeding. With a staff comprised almost entirely of lawyers, we were not structured as an investigative agency; analysis, asking the right questions, and evaluating the alternative answers to them was what we were obviously suited to. And that simply seemed to be that.

Eleven years later, it seems that should not simply have been that. Why, then, did we not make an issue of it? How could anyone, no matter how inexperienced in matters of investigative politics, have been so oblivious to the risks of reliance on the existing agencies for information in a matter like this?

The explanation, I think, is that this was 1964, not 1975. We were all more innocent a decade ago. Since that time, to our collective sorrow, we have learned many things. We have learned, contrary to what once seemed common sense, that persons

in high places will, at substantial risk to themselves, cover up for the misdeeds of subordinates who seem of little consequence.

We have learned that investigative agencies are not the monoliths we once thought they were; that schemes of substantial moment are planned and sometimes executed at relatively low levels; that they may be carried out by persons who are in no true sense "members" of those agencies but rather independent contractors with an on-again off-again sort of association, and even that people can be led to think they are working for such agencies when in every official sense they are not.

In 1964, one had to be a genuine radical to take seriously the thought that other Federal agencies were withholding significant information from the Warren Commission. In 1975, it would take a person of unusual naivete to ignore that possibility.

I confess I personally am only partly reconstructed: I still cannot take seriously the notion that Government agencies were involved in President Kennedy's assassination.

I suspect that the facts, even assuming they could all be learned, would disclose a suppression of nothing more sinister than evidence of inadequate vigilance on the part of the agency or agencies concerned.

But however that may be, it is important to distinguish how the Warren Commission handled the information it had in its possession, of what information other agencies had and was not to be disclosed, before us would be better a second time than the first. Nor does a second hearing likely to attain any broader purpose (I don't know who would be more credible to match the Justice Earl Warren's) have always resisted such an investigation be it ever so slight.

But an investigation by the Warren Commission got its investigating done in what it was and was not, and would not be a re-examination for the simple reason that it was done at the time.

Perhaps his Is naive. Perhaps there is no real answer to the question bearing on this issue which is not in the possession of those in them. But even that is not an entitlement to know.

Certainly I can imagine why those of us who were involved in the report should resist efforts to investigate the mechanisms by which the Warren Commission was provided information. Every person is entitled to be angry at recent disclosures and angry, perhaps our entitlement to know of all.

John Hart Ely, who is general counsel of the United States Department of Transportation, wrote this article in his capacity as a private citizen.